IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23795 of 2004

Between:

P.Thippamma, w/o late Narayana Reddy,
Ontimeddi (V), Kalyandurg Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Dharmavaram, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not passing any orders on the appeal, dated 10-12-2004, as illegal, unjust, and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

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The authorization of the petitioner, as fair price shop dealer of Ontimeddi Village, Kalyandurg Mandal, Anantapur District, was suspended by the 2nd respondent through his orders, dated 18.10.2004. It was alleged that the petitioner is permanently settled at Hyderabad, and that her brother, who is running the fair price shop, has not accounted for substantial quantities of essential commodities. Petitioner preferred an appeal before the 1st respondent together with an application for grant of stay. The grievance of the petitioner is that no orders have been passed by the 1st respondent either in the application for stay or in the appeal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The 1st respondent is conferred with the power to entertain the appeal as well as to pass appropriate orders in the applications filed for interim orders. The appellate authority would be in a better position to appreciate the *prima facie* truth or otherwise of the allegations against the petitioner. It is too difficult for this Court to record any finding, on such aspects, at this stage. The 1st respondent can be required to pass appropriate orders without any further loss of time on the application for stay, or in the appeal itself, if he so chooses.

Hence, the writ petition is disposed of directing the 1st respondent to pass appropriate orders in the application for stay, or in the appeal, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 21st December, 2004

Note: Office to furnish copy

In three days.

(B/o.)

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To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Dharmavaram, Anantapur District.

3 2 CCs to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

4 2 CD copies.